

See Note at End of Partial Decree and Attachment 4 to the Final Unified Decree

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 13 2014

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In re SRBA
Case No. 39576

PARTIAL DECREE FOR
Federal Reserved Water Right 29-12052

BY: _____
Clerk
Deputy Clerk

1. Name and address of owner: UNITED STATES OF AMERICA, as trustee for the benefit of the SHOSHONE-BANNOCK TRIBES OF THE FORT HALL INDIAN RESERVATION acting through the DIRECTOR, PORTLAND AREA OFFICE
Bureau of Indian Affairs
911 N.E. 11th Avenue
Portland OR 97232
2. Source of Water: Bannock Creek basin groundwater
3. Annual Diversion Volume: 23,500 acre-feet per year (AFY)
4. Diversion Rate: 154.93 CFS
5. Annual Volume of Consumptive Use: 17,843 AFY
6. Priority Date: June 14, 1867
7. Points of Diversion: Future points of diversion may be developed as needed within the Bannock Creek basin to utilize this water right within the Bannock Creek drainage basin.
8. Purpose and Period of Use: Irrigation 3/15 to 11/15
9. Place of Use: 8,704 future acres on Indian lands within the Reservation in the Bannock Creek drainage basin.
10. Basis of Right: *Winters* Doctrine
11. Matters Necessary for Definition, Clarification, or Administration of the Right:
 - a. The Tribes have the right to the annual yield of the Bannock Creek basin up to a combined surface and groundwater diversion of 48,500 AFY.

b. If the Tribes' combined surface and groundwater diversion from this basin exceeds 48,500 AFY, such excess shall be charged against water right no. 27-11376.

c. The Tribes and United States shall exercise this water right in a manner that ensures persons diverting ground water under partial decrees 29-2458A, 29-2470, 29-2509, 29-2565, 29-4349, 29-7110, 29-7272, 29-7291, 29-7630, 29-10549, 29-13708, 29-13709, 29-13949, 29-13950, 29-13951, 29-13952, 29-13984, 29-13985, and under *de minimis* domestic and stock water rights with a priority date earlier than January 1, 1990, will continue to receive their full legal entitlement under state law. “*De minimis* domestic water right” for the purposes of this paragraph means (a) the use of water for homes, organization camps, public campgrounds, livestock, and for any purpose in connection therewith including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or 14.5 acre-feet per year or less for storage, or (b) any other uses, if the total use does not exceed a diversion rate of four one-hundreds (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day. Domestic rights shall not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments, unless the use meets the diversion rate and volume limitation set forth in (b) above. “*De minimis* stock water right” for purposes of this paragraph means the use of water solely for livestock or wildlife where the total diversion is not in excess of thirteen thousand (13,000) gallons per day or 14.5 acre-feet per year or less for storage. These state created water rights are estimated to divert not more than 2,400 AFY of water from the ground water of the Bannock Creek drainage basin. In the event this estimate of the amount of existing diversions under state water rights is changed as a result of the Decree in the SRBA, the parties shall negotiate an equitable adjustment to the Tribal water rights to account for this change. *[This paragraph was formerly known as paragraph x.c for purposes of Partial Decrees 29-2458A, 29-2470, 29-2509, 29-2565, 29-4349, 29-7110, 29-7272, 29-7291, 29-7630, 29-10549, 29-13708, 29-13709, 29-13949, 29-13950, 29-13951, 29-13952, 29-13984, 29-13985 in the 1995 Partial Final Consent Decree and the Revised Partial Final Consent Decree.]*

IT IS SO ORDERED

DATED this 13th day of August, 2014



Presiding Judge
Snake River Basin Adjudication

This partial decree was entered pursuant to the Revised Partial Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin dated August 13, 2014, contained in Attachment 4 to the Final Unified Decree, and is subject to the terms and conditions set forth therein.